

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
07 DHC 25

THE NORTH CAROLINA STATE BAR,)
Plaintiff)
)
v.)
)
WILLIAM L. DURHAM, Attorney,)
Defendant)

ANSWER

NOW COMES the Defendant, WILLIAM L. DURHAM (“Durham”), by and through his attorney, answering the Complaint of the Plaintiff, and allege and say:

1. Upon information and belief, the allegations in Paragraph 1 are admitted.
2. The allegations in Paragraph 2 are admitted.
3. The allegations in Paragraph 3 are admitted.
4. The allegations in Paragraph 4 including specifically, Paragraphs 4(a) and 4(b) are admitted.
5. Paragraph 5 is not an allegation of fact to which a response is required and is thereby deemed denied pursuant to Rule 8(d) of the North Carolina Rules of Civil Procedure.
6. Defendant admits receiving funds on behalf of John George. Except as specifically admitted herein the allegations in Paragraph 6 are denied.

7. Defendant admits transferring funds from the trust account to the operating account in respect of attorney fees and other expenses relating to the John George matter. Except as specifically admitted herein the allegations in Paragraph 7 are denied.

8. Defendant admits that he disbursed the proper amount of trust funds to John George. Except as specifically admitted herein the allegations in Paragraph 8 are denied.

9. Paragraph 9 is a conclusion of law and is not an allegation of fact to which a response is required and is thereby deemed denied pursuant to Rule 8(d) of the North Carolina Rules of Civil Procedure.

10. The allegations in Paragraph 10 are denied.

11. The Defendant is without sufficient information to admit or to deny the allegations therein stated and therefore, the allegations in Paragraph 11 are denied.

12. The Defendant admits to providing various documents to the North Carolina State Bar. Except as specifically admitted herein, the allegations in Paragraph 12 are denied.

13. The Defendant is without sufficient information to admit or to deny the allegations therein stated and therefore, the allegations in Paragraph 13 are denied.

14. The allegations in Paragraph 14 are denied.

15. The allegations in Paragraph 15 including the conclusions of law in Paragraphs 15(a) and 15(b) are denied.

16. Paragraph 16 is not an allegation of fact to which a response is required and is thereby deemed denied pursuant to Rule 8(d) of the North Carolina Rules of Civil Procedure.

17. The allegations in Paragraph 17 are admitted.

18. Defendant admits that, between April 1, 2004, and April 29, 2005, Defendant may have deposited funds into the trust account without adequately identifying both the clients on whose behalf the deposits were made and the purpose for which the funds were being held. Except as specifically admitted herein, the allegations in Paragraph 18 are denied.

19. The allegations in Paragraph 19 are admitted.

20. Defendant admits that, between April 1, 2004, and April 29, 2005, Defendant may have written transferred funds from his trust account to his operating account without adequately identifying the client(s) on whose behalf said transfers made. Except as specifically admitted herein, the allegations in Paragraph 20 are denied.

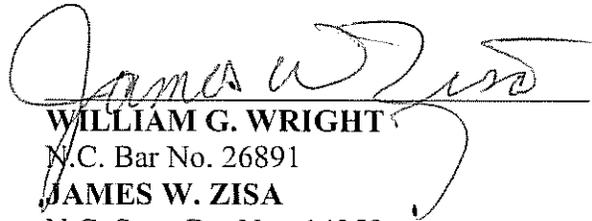
21. Defendant admits that, between April 1, 2004, and April 29, 2005, Defendant may have written checks from his operating account to the Clerk of Court on behalf of client(s) without adequately identifying the client(s) on whose behalf said payments were made. Except as specifically admitted herein, the allegations in Paragraph 21 are denied.

22. The allegations in Paragraph 22 are denied.

23. The allegations in Paragraph 23, including the conclusion of law in Paragraph 23(a), are denied.

This the _____ day of November, 2007.

SHIPMAN & WRIGHT, L.L.P.

A handwritten signature in black ink, appearing to read "James W. Zisa", is written over a horizontal line. The signature is fluid and cursive.

WILLIAM G. WRIGHT

N.C. Bar No. 26891

JAMES W. ZISA

N.C. State Bar No.: 14359

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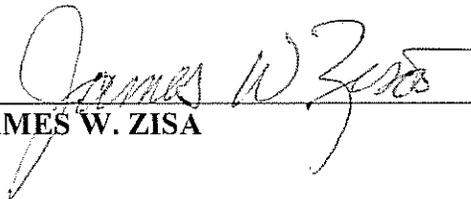
Attorneys for Defendant

CERTIFICATE OF SERVICE

This is to certify that on this date the undersigned has served the foregoing document upon the other party to this action by depositing a copy thereof, first class postage prepaid, in the United States Mail properly addressed to the attorney of said party as follows:

Margaret Cloutier, Deputy Counsel
The North Carolina State Bar
P.O. Box 25908
Raleigh, NC 27611
Attorneys for Plaintiff

This the 9th day of November, 2007.



JAMES W. ZISA